



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH
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March 12, 2003

TO: Washington State Board of Health Members
FROM: Carl Osaki, WSBOH Member
RE: FOOD SAFETY REVIEW COUNCIL

Summary

In response to concerns about consistency among local health jurisdictions' food service rules and their interpretations of state rules, representatives of local health jurisdictions, the food service industry, and the Department of Health (DOH) developed a proposal for the Food Safety Review Council.

Creation of the council would be an important development within the food service rule revision process and is likely to be included in the food code rules that DOH proposes to the Board in 2004. The council would work in partnership with DOH to promote food safety by providing interpretations of the state food code and communicating these interpretations to its constituencies.

Initially, discussions included the possibility of granting the Food Safety Review Council authority to develop binding technical interpretations of the state food code. However, the group agreed to propose that the State Department of Health establish a pilot advisory council that would issue interpretations of the state food code that are not binding.

At today's meeting, Jennifer Tebaldi, DOH Food Safety & Shellfish Program Director, will provide the Board with more detail on the development and possible future role of the council. (Please see the DOH Food Safety Review Council handout in Tab 8 for the council's draft mission and bylaws.)

Background

The purpose of chapter 246-215 WAC is to establish State Board of Health standards for food service under RCW 43.20.050 to promote and protect the health, safety, and well being of the public and prevent the spread of disease by food (WAC 246-215-001). The food service rules adopted by the Board cover a wide range of activities including food preparation, protection from contamination, temperature control and cooking requirements, sanitary design of equipment and utensils, cleaning, worker sanitation, and pest control. Local health jurisdiction staffs enforce Food Service regulations, and local boards of health may adopt more stringent regulations (WAC 246-215-280). The Board last revised its food service rules in 1992.

In November 2001 the Board filed a CR-101 to begin the rule revision process for the food service regulations. The stated goal was to develop regulations that are more consistent statewide, using the U.S. Food and Drug Administration (FDA) Food Code as a guide (see attached CR-101).

The FDA Food Code contains model guidelines for regulating food service establishments, along with extensive references, public health reasons for the guidelines, and additional information. Thirty states have adopted the federal code, and 15 other states are in the process of adopting most of its provisions.

In February 2002 the Senate and House passed Engrossed Substitute Senate Bill 6588, which would have given the Board exclusive authority to adopt food service rules, and the Department of Health exclusive authority to interpret food service rules. It would have allowed local boards of health to adopt temporary emergency deviations, subject to Board review. ESSB 6588 also set a deadline of December 31, 2004 for the Board to adopt updated food service rules. Although Governor Locke vetoed ESSB 6588, the December 2004 rule adoption date has been incorporated into the food service rule revision time frame.

In response to this bill's intent to establish greater consistency among local health jurisdictions' food service rules and their interpretations of state rules, a group of local health jurisdiction, industry, and Department of Health (DOH) representatives began working on developing a proposal for a Food Safety Review Council. Initially, discussions included the possibility of granting the Food Safety Review Council authority to develop binding technical interpretations of the state food code. However, recently the group agreed to propose that the State Department of Health establish a pilot advisory council that would issue interpretations of the state food code that are not binding.

Recommended Board Action:

I recommend that the Board consider the following motion:

The State Board of Health supports the efforts of the food service industry, local health jurisdictions, and the State Department of Health to develop a food safety review council whose primary mission shall be to promote food safety through the consistent application of the State Food Code, WAC 246-215.